THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.5342 OF 2006

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Dated: 18-03-2006

BETWEEN

Katta Satyanarayana,

S/o. Katta Venkateswara Rao,

Occ: Cultivation, R/o. Vibharampuram,

Chinatadinada, Kalidindi Mandal,

Krishna District.

...PETITIONER

AND

The Station House Officer,

Kalidindi Police Station,

Krishna District and others.

...RESPONDENTS

ORDER:

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Petitioner seeks a Writ of Mandamus to declare the action of the respondents 1 and 2 in interfering with the civil disputes between him and the respondents 3 and 4 as illegal and arbitrary.

Learned counsel for the petitioner submits that the petitioner is the absolute owner of an extent of land Ac.2-75 cents in RS.No.739 and Ac.1-00 cents in RS.No.738 of Tadinada

Village, Kalidindi Mandal, Krishna District and he dug a fish tank in the said lands and erected a shed for his residence. Thereafter, the petitioner shifted his residence and has been using the shed for storage of fish fee, manures etc.

He further submits that there are certain differences and disputes between the petitioner and his brother Sri Katta Prabhakara Rao – third respondent. While so, the third respondent started interfering with the peaceful possession and enjoyment of the fish tank and shed on the bund of the petitioner. The petitioner filed a suit in O.S.No.130 of 2002 on the file of the Junior Civil Judge, Kaikaluru for permanent injunction along with I.A.No.402 of 2002 for temporary injunction. The civil Court by order dated 24.03.2003 granted injunction restraining the respondents 3 and 4 from interfering with the possession and enjoyment of the petitioner over the petition schedule property over an extent of Ac.3-75 cents.

The learned counsel further submits that as the third respondent is having political influence, at his instigation, the respondents 1 and 2 are interfering with their civil disputes and threatening the petitioner to compromise the matter.

I am of the opinion that unless a complaint has been filed against the petitioner alleging that he has committed a cognizable offence the police cannot interfere with the civil disputes over the property in question.

Having regard to the facts and circumstances of the case,

the respondents 1 and 2 are directed not to interfere with the civil disputes between the petitioner and respondents 3 and 4 without there being any complaint alleging that the petitioner has committed a cognizable offence.

The writ petition is accordingly disposed of.

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V. ESWARAIAH, J

March 18, 2006

Note: Furnish C.C. of the order by 20.03.2006

(**B/o**)

DSK